

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 17

July 17, 2001

SUBJECT: COMPLAINT INVESTIGATION PROCEDURES - REVISED

PURPOSE: The United States Department of Justice and the City of Los Angeles have entered into a legally binding agreement known as the Consent Decree. The City of Los Angeles has assigned the Los Angeles Police Department with the responsibility of implementing most of the provisions outlined in the Consent Decree.

This Order revises the manner in which complaints are accepted, addresses additional commanding officer's responsibilities in the complaint process, and assigns specific investigative responsibility to Internal Affairs Group (IAG), including notification to the Office of the Inspector General. The Order also addresses disciplinary action initiated as the result of an employee's failure to properly accept complaints from the public and provides investigative responsibility to the Board of Police Commissioners for complaint allegations made against the Chief of Police.

PROCEDURE:

I. COMPLAINTS - CONDITIONS OF ACCEPTANCE - REVISED.

Complaints shall be accepted from any source: written, verbal, in person or telephonic (or TTY), by mail, facsimile transmission, or by electronic means, anonymously, at Parker Center, any bureau, Area station or substation, at the offices of the Police Commission and the Inspector General, or any other police facility accessible to the public.

II. COMPLAINT ROUTING AND FORM AVAILABILITY - COMMANDING OFFICER'S RESPONSIBILITY.

Commanding officers shall ensure that complaints are documented on a Complaint Form, Form 1.28.0, and the original forwarded to the Commanding Officer, IAG, within two days, or in the event of a weekend, the following business day. In addition, commanding officers shall ensure that:

- * A supply of the Complaint of Employee Misconduct Forms with postage-paid, preaddressed business reply envelopes marked "ATTN: Internal Affairs Group"; and Personnel Complaint Information pamphlets, are maintained at a location accessible to the public 24

- hours per day at all Area stations, Parker Center, and any other police facility accessible to the public;
- * Forms required to file a complaint are available, upon request, to community groups, community centers, and public and private service centers; and,
 - * The complaint information posters entitled "Quality Service is Your Right," written in English, Spanish, Korean, and Chinese shall be posted conspicuously 24 hours per day at locations accessible to the public at Parker Center, the Office of the Board of Police Commissioners, City Council field offices, the lobbies of Area stations and any other police facility accessible to the public.

Note: The Commanding Officer, IAG, shall be responsible for displaying posters at Parker Center, the Office of the Board of Police Commissioners, and making them available to City Council field offices.

The complaint materials mentioned above are currently provided in English, Spanish, Chinese, and Korean. However, the Department will be publishing additional materials in Tagalog, Japanese, and Vietnamese.

III. INTERNAL AFFAIRS GROUP INVESTIGATIVE RESPONSIBILITY. The Consent Decree identifies the types of personnel complaints that must eventually be investigated by IAG. However, the Consent Decree recognizes that a transition period is necessary in order to assign sufficient investigative personnel to IAG. The Consent Decree identifies that transition period as occurring from July 1, 2001, until December 31, 2002, during which investigative responsibility shall be transferred to IAG as positions are filled. During that transition period, the Commanding Officer, IAG, shall ensure that complaints assigned to IAG for investigations are consistent with the priorities established in the Consent Decree (specifically, the priorities outlined in Paragraph 95). When IAG is fully staffed, but no later than December 31, 2002, IAG shall be responsible for investigating the following complaints:

- * All civil suits or claims for damages involving on-duty conduct by Department employees;
- * All civil suits or claims for damages involving off-duty conduct that allege physical violence, threats of physical violence or domestic violence by an employee;

- * An employee who has been arrested or criminally charged with a felony or high grade misdemeanor;
- * An unauthorized use of force;
- * Discrimination based on race, ethnicity, gender, religion, national origin, sexual orientation, or disability, including improper ethnic remarks and gender bias;

Note: The Police Commission Discrimination Unit (PCDU) will retain primary responsibility for accepting and investigating complaints that involve discrimination issues that do not amount to misconduct (Sections 2/185.5 and 3/748).

- * Unlawful search;
- * Unlawful seizure (including false imprisonment and false arrest);
- * Dishonesty;
- * Improper behavior involving narcotics or drugs;
- * Sexual misconduct;
- * Domestic violence;
- * Theft;
- * Acts of retaliation or retribution against an employee or the public; and,
- * Incidents in which a member of the public is charged by an officer with interfering, resisting arrest (California Penal Code Section 148), assault on an officer, or disorderly conduct, and the prosecutor's office notifies the Department either that it is dismissing the charge based upon officer credibility, or a judge dismissed the charge based upon officer credibility.

Additionally, IAG shall investigate all incidents in which the Department receives written notification from a prosecuting agency in a criminal case when there has been:

- * An order suppressing evidence because of any constitutional violation involving potential misconduct by an employee;
- * A judicial finding of employee misconduct made in the course of a judicial proceeding;
- * A request by a federal or state judge or magistrate that a misconduct investigation be initiated pursuant to information developed during a judicial proceeding before a judge or magistrate; or,

- * A request by a judge or prosecutor that a misconduct investigation be initiated against an employee pursuant to information developed during the course of an official proceeding in which that judge or prosecutor has been involved.

Complaint Reviewing Responsibility. Internal Affairs Group shall review the face sheet of the Complaint Form, Form 1.28.0, and shall:

- * Determine whether the complaint will be investigated by IAG or by the employee's chain of command; and,
- * Promptly notify the affected entities.

Internal Affairs Group shall provide the Office of the Inspector General with all complaint information, including the entity assigned to investigate the complaint, within one week of its receipt.

Note: The Office of the Inspector General will review the complaint information to ensure complaints are being received in a manner that complies with existing Department policy and procedure.

IV. EMPLOYEE FAILING TO PROPERLY ACCEPT A COMPLAINT FROM THE PUBLIC. A Complaint Form, Form 1.28.0, shall be used to document all complaints when a Department employee allegedly:

- * Fails to inform any member of the public, who indicates a desire to file a complaint, of the means by which a complaint may be filed;
- * Attempts to dissuade a member of the public from filing a complaint; or,
- * Refuses to accept a complaint.

V. COMPLAINT ALLEGATIONS FILED AGAINST THE CHIEF OF POLICE.

The Board of Police Commissioners shall investigate all misconduct complaints against the Chief of Police and may use its staff, the Office of the Inspector General, or authorized contractors to conduct such investigations.

AMENDMENTS: This Order amends Sections 3/810.20, 3/815.20, 3/816.15, and 3/817.05, and adds Sections 2/101.10, 3/815.28, and 3/816.09 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, IAG, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

BERNARD C. PARKS
Chief of Police

DISTRIBUTION "D"